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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 MARSHALL JOSEPH MORENO,) CASE NO. ED CV 11-514-VBF (PJW)
11)
12 Petitioner,)
13 v.) ORDER ACCEPTING REPORT AND
14 M.D. BITER, WARDEN,) RECOMMENDATION OF UNITED STATES
15) MAGISTRATE JUDGE AND DENYING
16) CERTIFICATE OF APPEALABILITY
17 Respondent.)
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16 Pursuant to 28 U.S.C. Section 636, the Court has reviewed the
17 Petition, records on file, and the Report and Recommendation of the
18 United States Magistrate Judge. Further, the Court has engaged in a
19 *de novo* review of those portions of the Report to which Petitioner has
20 objected. The Court accepts the findings and recommendation of the
21 Magistrate Judge.

22 Further, for the reasons stated in the Report and
23 Recommendation, the Court finds that Petitioner has not made a
24 substantial showing of the denial of a constitutional right and,
25 therefore, a certificate of appealability is denied. See Rules
26 Governing Section 2254 Cases in the United States District Courts,
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1 Rule 11(a); 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El*
2 *v. Cockrell*, 537 U.S. 322, 336 (2003).

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4 DATED: 2-22-12

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7 VALERIE BAKER FAIRBANK
8 UNITED STATES DISTRICT JUDGE
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